

Appin. No.:09/624,946
Amendment Dated September 3, 2003
Response to Office Action of

UPN0015-100

Remarks/Arguments:

Status of Claims

Claims 5-11 are in the application.

By way of this amendment, claims 5, 7 and 11 have been amended and new claims 12-18 have been added.

Upon entry of this amendment, claims 5-18 will be pending.

Summary of the Amendment

The claims have been amended to more clearly define specific embodiments of the present invention.

Claim 5 has been amended to more clearly define the RNA amplification technique used to produce amplified RNA from the oligonucleotide template.

Claims 7 and 11 have been amended to more clearly define embodiments that employ universal epitopes and universal epitope detectors to attach oligonucleotides to epitope detectors.

Support for the amendments is found throughout the specification. No new matter has been added.

New claims 12-15 each depends directly or indirectly on claim 8. New claims 12 and 13 refer to kits comprising solid supports (new claim 12) and types of solid support (new claim 13). New claim 14 refers to kits in which the oligonucleotide is double stranded cDNA and new claim 15 refers to kits in which the oligonucleotide comprises a specific RNA promoter.

Each of new claim 16-18 depend directly on claim 5. New claims 16 refer to systems comprising specific types of solid supports. New claim 17 refers to kits in which the oligonucleotide is double stranded cDNA. New claim 18 refers to kits in which the oligonucleotide comprises a specific RNA promoter.

Support for new claims 12-18 is found throughout the specification. No new matter has been added.

Double Patenting Rejections

Claims 5-11 have been provisionally rejected under the judicially created doctrine of obvious-type double patenting over claims in co-pending applications 09/783,896 and 09/977,716.

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Applicants note that this rejection is provisional. Applicants will promptly provide a terminally disclaimer if appropriate and as necessary upon indication of allowability of claims in the instant case.

Rejection under 35 USC §112, second paragraph

Claims 5-11 have been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter applicants regard as the invention. It is asserted that claims 5-11 are vague because it is unclear if the RNA amplification technique is the same as that described in Eberwine (5,922,953)

Applicants have amended claim 5 to more clearly describe the RNA amplification technique. As amended, the claim reflects RNA amplification whereby a nucleotide sequence on an oligonucleotide is used as a template for amplification. The sequence is linked to an RNA promoter. RNA polymerase amplifies the sequence. This reaction for RNA amplification is described in the specification and in Eberwine.

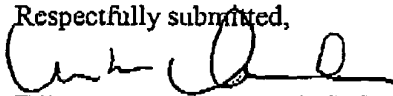
As amended, claim 5 is clear and definite. Applicants respectfully request that the rejection of claims 5-7 under 35 USC §112, second paragraph, be withdrawn.

Conclusion

Applicants respectfully urge that claims 5-18 are in condition for allowance. A notice of allowance is earnestly solicited.

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Respectfully submitted,



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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 50-1275 of any fees associated with this communication.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (703-872-9306) on the date shown below.

Sept 3 2003


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